

Hon Chris Hipkins
Minister of State Services

Enhancing the Protected Disclosures Act
2000 Date of issue: 26 October 2018

Date: 7 August 2018

Title: Cabinet Minute Enhancing the Protected Disclosures Act 2000
GOV-18-MIN-0051 (Approved by Cabinet on 13 August 2018)

Author: State Services Commission

The Hon Chris Hipkins, Minister of State Services, is releasing the Cabinet paper and Cabinet Minute as part of the material of the Government's review of the Protected Disclosures Act 2000.

Explanatory note

Public engagement on how the Act could be improved will be undertaken for a six-week period from 29 October to 7 December 2018. The material referred to in the Cabinet Minute is the public engagement material, and this will be available on 29 October 2018.



Cabinet Government Administration and Expenditure Review Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Enhancing the Protected Disclosures Act 2000

Portfolio **State Services**

On 7 August 2018, the Cabinet Government Administration and Expenditure Review Committee (GOV):

- 1 **noted** that:
 - 1.1 an effective regime for disclosing serious wrongdoing in the workplace is critical to maintaining New Zealand's high standard of integrity, openness, and transparency;
 - 1.2 the report following an investigation into whistle-blower treatment at the Ministry of Transport suggested that the State Services Commissioner should consider how well the Protected Disclosures Act 2000 (the Act) is meeting its purpose;
- 2 **noted** that the State Services Commission has undertaken an initial review of the Act and identified where improvements are needed;
- 3 **noted** that the current protected disclosures regime lacks clarity, and that the Act is weak in a number of key areas – particularly for the private sector;
- 4 **agreed** to a review of the Act to ensure it supports a clear and effective regime for speaking up about serious wrongdoing in the workplace;
- 5 **agreed** that the objectives of the review should be to ensure that the Act helps to expose serious threats to the public interest; encourages open organisational cultures; is easy to use and understand; and promotes fairness for all parties;
- 6 **approved** the release of the material attached under GOV-18-SUB-0051, subject to minor edits required to ensure accessibility and integration with the website design, for a six-week public consultation period from 29 October to 7 December 2018;
- 7 **noted** that public feedback will be sought in two ways:
 - 7.1 the material attached as appendix 1 under GOV-18-SUB-0051 will be uploaded to an online platform;
 - 7.2 the State Services Commission will hold public engagement events;

8 **noted** that the Minister of State Services intends to report back to GOV in April 2019 to seek agreement on final policy proposals.

Rachel Clarke
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Phil Twyford
Hon Chris Hipkins
Hon Dr David Clark
Hon Stuart Nash
Hon Clare Curran
Hon Tracey Martin
Hon Shane Jones
Hon James Shaw

Officials present from:

Officials Committee for GOV

Hard-copy distribution:

Minister of State Services

PROACTIVELY RELEASED BY THE MINISTER OF STATE SERVICES